

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #3	CCRB Case #: 201601115	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/09/2016 8:00 PM	Location of Incident: § 87(2)(b) and the 81st Precinct stationhouse	Precinct: 73	18 Mo. SOL 8/9/2017	EO SOL 8/9/2017	
Date/Time CV Reported Wed, 02/10/2016 12:28 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/10/2016 12:28 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Dean Campbell	1220	946449	GANG BN
2. POM Dennis Westbrook	19650	947605	GANG BN
3. POM Orlando Sanchez	13382	935691	GANG BN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Kieran Fox	01008	925306	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Dean Campbell	Abuse: At § 87(2)(b) in Brooklyn, Detective Dean Campbell stopped § 87(2)(b)	
B.POM Orlando Sanchez	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Orlando Sanchez stopped § 87(2)(b)	
C.POM Dennis Westbrook	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Dennis Westbrook stopped § 87(2)(b)	
D.DT3 Dean Campbell	Abuse: At § 87(2)(b) in Brooklyn, Detective Dean Campbell detained § 87(2)(b)	
E.POM Orlando Sanchez	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Orlando Sanchez detained § 87(2)(b)	
F.POM Dennis Westbrook	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Dennis Westbrook detained § 87(2)(b)	
G.DT3 Dean Campbell	Abuse: At § 87(2)(b) in Brooklyn, Detective Dean Campbell threatened § 87(2)(b) with the use of force.	
H.DT3 Dean Campbell	Discourtesy: En route to the 81st Precinct stationhouse, Detective Dean Campbell spoke discourteously to § 87(2)(b)	
I.DT3 Dean Campbell	Abuse: At the 81st Precinct stationhouse, Detective Dean Campbell strip-searched § 87(2)(b)	
J.DT3 Dean Campbell	Abuse: At the 81st Precinct stationhouse, Detective Dean Campbell threatened § 87(2)(b) with the use of force.	
K.DT3 Dean Campbell	Abuse: At the 81st Precinct Stationhouse, Detective Dean Campbell issued § 87(2)(b) a summons.	
§ 87(4-b) § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b) § 87(2)(g)		

### Case Summary

§ 87(2)(b) filed this complaint with the CCRB, via telephone, on behalf of her son, § 87(2)(b) on February 10, 2016.

On February 9, 2016, at approximately 8 p.m., § 87(2)(b) was walking home – located at § 87(2)(b) in Brooklyn – after having said goodbye to a friend. As § 87(2)(b) was walking towards his building's entrance, Det. Dean Campbell, PO Dennis Westbrook, and PO Orlando Sanchez of Gang Brooklyn North approached him and placed him in handcuffs (**Allegations A, B, C, D, E, and F**). § 87(2)(b) refused to enter their unmarked RMP and Det. Campbell then allegedly removed his pepper spray and threatened to use it against him if he did not enter the vehicle (**Allegation G**). After being placed inside the vehicle, § 87(2)(b) asked Det. Campbell for his name, to which Det. Campbell allegedly replied, "I'm Officer Dickhead" (**Allegation H**). Upon arrival at the 81<sup>st</sup> Precinct stationhouse, but before entering, Det. Campbell allegedly told § 87(2)(b) that when they reach the front desk, he better "shut the fuck up or it's going to get ugly" for him (**within Allegation H**). After being placed inside a single cell in the stationhouse, Det. Campbell allegedly commanded § 87(2)(b) to remove all of his articles of clothing, to which § 87(2)(b) complied (**Allegation I**). § 87(2)(b) felt uncomfortable without his clothing, so he put on his clothes again. Det. Campbell then allegedly threatened to use a Taser against § 87(2)(b) and threatened to put his face in the toilet if he did not listen to his commands (**Allegation J**). § 87(2)(b) was not made to remove his clothing again. Afterward, § 87(2)(b) was issued a summons for disorderly conduct and released (**Allegation K**).

§ 87(2)(b) and § 87(2)(b) alleged that a friend of § 87(2)(b)s, known as "§ 87(2)(b)" recorded a portion of the incident; however, § 87(2)(b) was unresponsive to the CCRB's to obtain the video. No other footage of the incident could be obtained.

This case went over the 90-day benchmark due to delays in receiving police documentation from Brooklyn North Gangs and due to Sgt. Kieran Fox of Brooklyn North Gangs missing three scheduled appointments.

§ 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to participate in mediation because § 87(2)(b)
- As of May 24, 2016, § 87(2)(b) has not filed a notice of claim against the City of New York (BR 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is § 87(2)(b)s and § 87(2)(b)s first CCRB complaint (BR 03, 16).
- Det. Campbell has been a member of the NYPD for eight years. He has been the subject of 18 allegations stemming from seven cases, with no substantiated allegations. § 87(4-b) § 87(2)(g) A majority of the allegations against Det. Campbell in previous cases have been for unauthorized stops or searches of both people and vehicles.

- PO Sanchez has been a member of the NYPD for 11 years. He has been the subject of seven allegations stemming from four cases. In CCRB 201402818, a refusal to provide name and shield allegation was substantiated, for which the CCRB recommended formalized training. The NYPD gave instructions. § 87(4-b) § 87(2)(g) [REDACTED] § 87(2)(g) [REDACTED].
- PO Westbrook has been a member of the NYPD for seven years. He has been the subject of 12 allegations stemming from five cases. In CCRB 201510769, a stop allegation was substantiated, for which the CCRB recommended charges. The NYPD has not yet determined the penalty. In CCRB 201401450, § 87(2)(g), § 87(4-b) [REDACTED] § 87(2)(g) [REDACTED].

### Potential Issues

- § 87(2)(b) [REDACTED] alleged that his friend “§ 87(2)(b) [REDACTED]” recorded part of the incident; however, § 87(2)(b) [REDACTED] was unresponsive to attempts by the CCRB to get the footage and he did not want to provide his friend’s contact information.

### Findings and Recommendations

#### Allegations Not Pleaded

- **Abuse of Authority:** Although the officers indicated that § 87(2)(b) [REDACTED] was frisked, § 87(2)(b) [REDACTED] did not allege that he was frisked during his interaction with the officers. § 87(2)(g) [REDACTED]
- **Abuse of Authority:** A refusal to provide name and shield allegation has not been pleaded against Det. Campbell because he eventually provided his name to § 87(2)(b) [REDACTED] at the 81<sup>st</sup> Precinct stationhouse.

**Allegation A – Abuse of Authority: At § 87(2)(b) [REDACTED] in Brooklyn, Detective Dean Campbell stopped § 87(2)(b) [REDACTED]**

**Allegation B – Abuse of Authority: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Orlando Sanchez stopped § 87(2)(b) [REDACTED]**

**Allegation C – Abuse of Authority: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Dennis Westbrook stopped § 87(2)(b) [REDACTED]**

It is undisputed that Det. Campbell, PO Sanchez, and PO Westbrook stopped § 87(2)(b) [REDACTED]. § 87(2)(b) [REDACTED] alleged that he was walking home after saying goodbye to a friend on the corner of Saratoga Avenue and Riverdale Avenue in Brooklyn. § 87(2)(b) [REDACTED] then continued on Riverdale Avenue for one block and made a right onto Strauss Street until he reached § 87(2)(b) [REDACTED]. § 87(2)(b) [REDACTED] approximated that it took him 30 seconds to reach the building after saying goodbye to his friend. As § 87(2)(b) [REDACTED] was opening the door to his building, Det. Campbell, PO Sanchez, and PO Westbrook allegedly approached him from behind without issuing any commands or identifying themselves. § 87(2)(b) [REDACTED] asked the officers what was happening, but they did not answer. § 87(2)(b) [REDACTED] then told the officers not to touch him and he lifted his hands to the left side.

The officers immediately grabbed § 87(2)(b)'s arms and attempted to place him in handcuffs (BR 04). § 87(2)(b)'s initial phone statement was generally consistent with his CCRB statement (BR 19).

Det. Campbell testified that he observed § 87(2)(b) on the corner of Riverdale Street and Strauss Street walking towards § 87(2)(b) with his right hand down his pants, "elbow deep" in his crotch area, and it seemed that he was adjusting something. Det. Campbell did not observe any bulges other than the bulge created by § 87(2)(b)'s hand and he was unable to discern whether there was an object underneath § 87(2)(b)'s hand. Det. Campbell was in an unmarked vehicle and was 15 to 20 feet away when he observed § 87(2)(b) perform the above-mentioned action. As Det. Campbell and his partners approached § 87(2)(b) they had their shields out and identified themselves as officers. As soon as the officers identified themselves, § 87(2)(b) "darted" for the building's door, so the officers pursued him and stopped him (BR 06).

PO Westbrook testified that he observed § 87(2)(b) with an unidentified male on the corner of Strauss Street and Riverdale Avenue. § 87(2)(b) was speaking with the unidentified male for approximately two minutes before saying goodbye and walking towards § 87(2)(b). PO Westbrook did not observe any suspicious movements or exchanges between the two. As § 87(2)(b) walked to his destination, PO Westbrook observed him place his hand in his waistband around his crotch area and seemed to adjust something side-to-side; however, PO Westbrook did not observe any bulges on § 87(2)(b) at the time he performed the action. Based on PO Westbrook's past experience, he believed that § 87(2)(b) could be hiding a firearm. PO Westbrook also stated that the area was known for firearms and narcotics. PO Westbrook corroborated that § 87(2)(b) ran to the building's entrance as they approached, which he estimated to be five to ten feet away from § 87(2)(b)'s position at the moment in which the stop was initiated. The officers pursued him so that they could stop him and ask him "general stop and frisk questions" (BR 07).

PO Sanchez testified that he observed § 87(2)(b) walking towards § 87(2)(b) and he was adjusting his waistband around his crotch area several times as if he was shoving or tucking something inside. § 87(2)(b) would walk, stop and adjust his waistband, look around, and then continue to walk. § 87(2)(b) performed this action twice. Based on PO Sanchez's past experience, § 87(2)(b)'s actions were indicative of someone concealing a firearm. PO Sanchez could not recall if he observed any bulges on § 87(2)(b). When asked what other factors led him to believe that § 87(2)(b) could be concealing a firearm, PO Sanchez could not cite other factors; however, PO Sanchez mentioned that the area is known for narcotics and gang violence. § 87(2)(b) was five to ten feet away from them when he was observed him doing the above-mentioned action (BR 08).

The courts have established that an officer may approach a citizen in a non-threatening way to request information when there is some objective credible reason for that interference not necessarily indicative of criminality (i.e. a level one interaction). At a level one interaction, an individual is free to walk away from officers. Questioning becomes more pointed under a common-law inquiry (i.e. a level two interaction), which must be supported by a founded suspicion that criminality is afoot; however, innocuous or even equivocal behavior does not generate a founded suspicion of criminality, and an individual is free to walk away. Officers can use reasonable force to stop and detain an individual whenever they have a reasonable suspicion that the individual has committed, is committing, or is about to commit a crime. People v. Debour, 40 N.Y.2d 210 (1976) (BR 09). Behavior that occurs in a high-crime area does not

justify a greater level of intrusion than would be warranted by that same behavior in other areas. People v. Cornelius, 113 A.D.2d 666 (1986) (BR 10). A defendant's flight, coupled with nothing more than the presence of an unidentifiable object that gives rise to a level 1 request for information, does not rise to a reasonable suspicion that the defendant is in possession of a gun or is otherwise involved in a crime, and therefore, the defendant may not be pursued and forcibly seized. People v. Crawford, 2011 NY Slip OP 7692 (2011) (BR 11).

§ 87(2)(g)

**Allegation D – Abuse of Authority: At § 87(2)(b) in Brooklyn, Detective Dean Campbell detained § 87(2)(b)**

**Allegation E – Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Orlando Sanchez detained § 87(2)(b)**

**Allegation F – Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Dennis Westbrook detained § 87(2)(b)**

**Allegation K – Abuse of Authority: At the 81<sup>st</sup> Precinct stationhouse, Detective Dean Campbell issued § 87(2)(b) a summons.**

§ 87(2)(b) alleged that after the officers stopped him, they immediately grabbed him by the arms and attempted to place him in handcuffs. The officers managed to get a hold of § 87(2)(b)'s right hand, but § 87(2)(b) refused to give up his left hand. The officers managed to place § 87(2)(b) in handcuffs approximately 30 seconds after they had approached him. § 87(2)(b) acknowledged that he was screaming for his mother and for his friend to come out of the building to record the incident. § 87(2)(b)'s friend and his mother exited after he was already in handcuffs. § 87(2)(b) denied that the commotion had gathered a crowd, and he stated that his mother and his friend did not attempt to get involved and remained approximately five feet away from the officers. At the stationhouse, Det. Campbell issued § 87(2)(b) a summons for disorderly conduct, which stated that § 87(2)(b) engaged in violent and threatening behavior that caused "panic" and that caused "a group to gather." It also noted that § 87(2)(b) made the statement, "Smoked K2 and felt a little crazy. I'm OK now." § 87(2)(b) denied smoking K2 and he denied making that statement to the officers (BR 04, 17). § 87(2)(b)'s initial phone statement

was generally consistent with his in-person statement in regards to the detainment, but it did not mention K2 (BR 19).

In a phone statement, § 87(2)(b) stated that she heard § 87(2)(b) screaming, “Help. Help. They’re trying to get me.” § 87(2)(b)’s screams prompted § 87(2)(b) to go outside. His screams also attracted a crowd of approximately 25 people. The crowd’s distance from the officers varied, and they did not attempt to get involved. § 87(2)(b) was not yet handcuffed when she came outside. § 87(2)(b) did not physically intervene with her son’s arrest, but she did “hug” a Hispanic officer and “cried on his shoulder” as they were taking § 87(2)(b) to the RMP. The officer comforted § 87(2)(b) and told her “everything was going to be ok.” Afterward, they placed § 87(2)(b) in an RMP and departed (BR 05).

Det. Campbell testified that § 87(2)(b) threw his hands in the air and screamed for someone to come down soon after they initiated the stop. § 87(2)(b) also stated, “Don’t touch me” and, “Get the fuck away from me.” § 87(2)(b) was being uncooperative and combative, and would not allow himself to be frisked, so the officers decided to place § 87(2)(b) in handcuffs, which § 87(2)(b) resisted by flailing his arms. The officers, however, managed to get § 87(2)(b)’s hands together and handcuffed him. Given § 87(2)(b)’s level of combativeness, it was decided that he would be transported to the 81<sup>st</sup> Precinct stationhouse to conduct a search for a possible firearm. § 87(2)(b)’s behavior attracted a few people to the incident’s general vicinity, but they did not attempt to get involved. § 87(2)(b)’s mother, however, exited the building and got close enough to make physical contact with the officers. Det. Campbell believed that an officer had to “push her back” because she was too close. At the stationhouse, Det. Campbell issued § 87(2)(b) a summons for § 87(2)(b). § 87(2)(b) also admitted to smoking K2 when he was in the cells, which Det. Campbell believed explained his combativeness (BR 06).

PO Westbrook testified that after the stop was initiated, he attempted to explain to § 87(2)(b) why he was stopped, but § 87(2)(b) immediately became irate and began cursing at them and flailing his arms, which prevented them from explaining the reason for the stop. § 87(2)(b) was also yelling for someone. § 87(2)(b) attempted to enter the building, but the officers stopped him because they did not know “what he had on him” and because they wanted to question him to see if he had a firearm. Because of § 87(2)(b)’s combativeness, the officers decided to take § 87(2)(b) to the 81<sup>st</sup> Precinct stationhouse. During the struggle, § 87(2)(b) was commanded to stop resisting and turn around, but he did not comply. Det. Campbell managed to turn § 87(2)(b) around and place him in handcuffs. As the officers were walking § 87(2)(b) to the vehicle, § 87(2)(b)’s mother exited the building and tried to prevent the officers from arresting § 87(2)(b) by grabbing PO Westbrook from behind. PO Westbrook removed her arms from him and explained where § 87(2)(b) was being taken and the reason why he was being detained. PO Westbrook did not observe any other individuals exit the building, but someone was looking from their window. There were no other individuals in the officers’ immediate vicinity. PO Westbrook corroborated that Det. Campbell issued § 87(2)(b) a summons, which he believed was due to § 87(2)(b) “fighting the police.” While inside the cell, § 87(2)(b) mentioned to PO Sanchez that he had smoked K2 earlier. PO Westbrook did not observe any physical attributes to make him believe that § 87(2)(b) was under the influence of any drugs (BR 07).

PO Sanchez testified that when they approached § 87(2)(b) he immediately started yelling and screaming obscenities at the officers. The officers commanded him to stop and to show them his hands, but § 87(2)(b) continued to scream and started to “wave his hands.” Due to his

combativeness, § 87(2)(b) was placed in handcuffs. PO Sanchez stated that he was concerned for his partners' safety, for his own safety, and for § 87(2)(b)'s safety because § 87(2)(b) was "literally pushing us away and stuff." When asked for clarification, PO Sanchez stated that § 87(2)(b) did not push him specifically and did not make physical contact with him, and he could not state with certainty that § 87(2)(b) pushed Det. § 87(2)(b) [sic] or PO Westbrook. PO Sanchez also recalled that § 87(2)(b) was yelling people's names. At some point people exited the building, but he could not recall how many individuals exited. PO Sanchez recalled that a female exited the building, but he could not recall if the female attempted to get involved. While at the stationhouse, PO Sanchez asked § 87(2)(b) about his behavior, and § 87(2)(b) told him that he had smoked K2 earlier. PO Sanchez could not recall if Det. Campbell and PO Westbrook were present for the comment. PO Sanchez did not observe any physical attributes that would have suggested that § 87(2)(b) was under the influence, save for his behavior. PO Sanchez did not know for what reason § 87(2)(b) was issued a summons (BR 08).

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof...he engages in fighting or in violent, tumultuous or threatening behavior, makes unreasonable noise, or in a public place, he uses abusive or obscene language, or makes an obscene gesture, or he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. N.Y. Penal Law §240.20 (1-3, 7) (BR 12). The mere expression that one feels aggrieved by police – even when uttered in a loud voice – cannot constitute an offense. Furthermore, tumultuous and disruptive behavior must be of a public rather than an individual dimension, and the gravamen of disorderly conduct is conduct that provokes, or risks provoking, a breach of the peace or a public disturbance. People v. Square, 2008 NY Slip Op 51632U (2008) (BR 13).

§ 87(2)(g)



§ 87(2)(g)

**Allegation G – Abuse of Authority: At § 87(2)(b) in Brooklyn, Detective Dean Campbell threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that as the officers were attempting to place § 87(2)(b) inside their unmarked RMP, § 87(2)(b) alleged that Det. Campbell removed his pepper spray and threatened to pepper spray him if he did not enter the vehicle. § 87(2)(b) admitted that he refused to get inside the vehicle and that he put his foot on the door jamb to push away from the vehicle (BR 04). § 87(2)(b)'s initial phone statement was generally consistent with his in-person statement, though he did not mention that he resisted getting into the vehicle or that the Det. Campbell threatened to pepper spray him (BR 19).

Det. Campbell testified that as the officers were attempting to place § 87(2)(b) in their unmarked RMP, § 87(2)(b) kicked at the vehicle's door and tried to prevent the officers from placing him inside. Det. Campbell did not recall whether he threatened § 87(2)(b) with the use of pepper spray or whether he removed his pepper spray, but he believed that he might have pulled out his baton. Det. Campbell, however, denied making any statements threatening § 87(2)(b) with the use of force. The only statements Det. Campbell made to § 87(2)(b) were "stop resisting" and "get in the car" (BR 06). PO Westbrook recalled that § 87(2)(b) was irate after being handcuffed, but he believed they did not have any issues putting § 87(2)(b) in their unmarked RMP. PO Westbrook denied that § 87(2)(b) was threatened with pepper spray or with the use of any type of force (BR 07). PO Sanchez corroborated that § 87(2)(b) was uncooperative and resisted being placed inside the vehicle by placing his leg on the door jamb (BR 08).

Only the amount of force necessary to overcome resistance will be used to effect an arrest of a resisting subject. NYPD Patrol Guide, Section 203-11 (BR 14). Pepper spray may be used in arrest situations where physical presence and/or verbal commands have not been, or would not be, effective in overcoming physical resistance. Pepper spray shall not be used in situations that do not require the use of physical force. NYPD Patrol Guide, Section 212-95 (BR 20).

§ 87(2)(g)

**Allegation H – Discourtesy: En route to the 81<sup>st</sup> Precinct stationhouse, Detective Dean Campbell spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that he requested Det. Campbell's name en route to the 81<sup>st</sup> Precinct stationhouse, but Det. Campbell responded with, "I'm Officer Dickhead." Prior to entering the stationhouse, Det. Campbell allegedly told § 87(2)(b) "Shut the fuck up or it's going to get ugly for you" (BR 04). § 87(2)(b)'s initial phone statement was generally consistent with his in-person statement (BR 19).

Det. Campbell did not recall if § 87(2)(b) requested his or any other officer's name or shield number, and he denied that he, or they, responded with "Officer Dickhead." During the ride, § 87(2)(b)'s demeanor had not changed and he continued to curse at the officers. Det. Campbell denied that he, or any other officer, spoke discourteously to § 87(2)(b) before they entered the stationhouse (BR 06). PO Westbrook testified that § 87(2)(b) stated, "I want your names and shield numbers" during the ride, and he was told that he would get the requested information at the stationhouse. PO Westbrook denied that he, or any other officer, responded to § 87(2)(b)'s request with "Officer Dickhead," and he denied that he, or any other officer, spoke discourteously to § 87(2)(b) before they entered the stationhouse (BR 07). PO Sanchez testified that § 87(2)(b) requested his and his partners' names and shield numbers during the ride, which they provided. PO Sanchez denied that he, or any other officer, stated that he was "Officer Dickhead" in response to § 87(2)(b)'s request, and he denied that he, or any other officer, spoke discourteously to § 87(2)(b) (BR 08). All of the officers stated that § 87(2)(b) remained verbally combative during the ride to the stationhouse.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation I – Abuse of Authority: At the 81<sup>st</sup> Precinct stationhouse, Detective Dean Campbell strip-searched § 87(2)(b)**

§ 87(2)(b) alleged that, after being placed inside a single cell, Det. Campbell told him that he needed him to strip down and take off his clothes. § 87(2)(b) was wearing a gray hoodie, black sweats, blue and black sneakers, and a do-rag. § 87(2)(b) first removed his shoes, socks, and sweater. Det. Campbell then told him that he needed to remove his sweatpants, which he did, until § 87(2)(b) was only in his boxer shorts. § 87(2)(b) was then asked to lower his boxer shorts, which he did. § 87(2)(b) then stated, sarcastically, "Would you like me to spread my cheeks?" to which Det. Campbell responded, "Yes, that would be nice." § 87(2)(b) refused to do so and then began putting his clothes back on, which then prompted Det. Campbell to threaten him with force (covered in Allegation J). PO Sanchez and PO Westbrook were present when the alleged strip-search occurred (BR04). § 87(2)(b)'s phone statement was generally consistent with his in-person statement (BR 19).

Det. Campbell testified that § 87(2)(b) was placed in a single cell due to his combative behavior, after which a more thorough search was conducted. § 87(2)(b) was then asked to unzip his fly and open his pants around the fly area to check the areas where narcotics could be hidden. Det. § 87(2)(b) [sic] confirmed that he checked the lining of the pants in the zipper area. Det. Campbell's partners were present during the above-mentioned search. § 87(2)(b)'s underwear

was exposed during the search in the zipper area, but his genitals were not. Det. Campbell could not recall if § 87(2)(b) removed any articles of clothing during the search, though he assumed his shoes and socks were removed because it is standard procedure. Det. Campbell denied commanding § 87(2)(b) to remove his clothing and he denied that he strip-searched him. Det. Campbell emphasized that § 87(2)(b) underwent a normal search that they do “for everybody else.” Det. Campbell did not find any contraband during his more thorough search (BR 06).

PO Westbrook testified that § 87(2)(b) was presented to the desk sergeant, Sgt. Kieran Fox, and a search was conducted. No contraband was found. There was no discussion about a possible strip-search with Sgt. Fox. § 87(2)(b) was then placed in a single cell, at which time, the standard articles of clothing that § 87(2)(b) could use to hurt himself – shoe laces and belts – were taken away from § 87(2)(b). § 87(2)(b) also had an extra t-shirt, and that was taken away as well. PO Westbrook explained that § 87(2)(b) was placed in a single cell because of his prior behavior. PO Westbrook denied that a more intrusive search of § 87(2)(b) was conducted inside the cell. § 87(2)(b) was only commanded to remove the standard articles of clothing mentioned above, and he was not commanded to remove additional clothing. PO Westbrook denied that a strip-search of § 87(2)(b) was conducted. PO Westbrook confirmed that § 87(2)(b)'s waistband was searched and § 87(2)(b) was asked to “pull out” the waist area “a little” so they could feel around the rim of his pants (BR 07).

PO Sanchez testified that § 87(2)(b) was presented to Sgt. Fox, after which § 87(2)(b) was placed in a single cell because of his combative behavior. PO Sanchez also stated that one of his partners had mentioned that § 87(2)(b) “must have something” based on his behavior. Immediately after § 87(2)(b) was lodged in the cell, PO Sanchez went to the bathroom. PO Sanchez did not know if a more thorough search for a firearm was conducted after § 87(2)(b) was lodged in the cell because he was in the bathroom. There was no mention of a strip-search being conducted and PO Sanchez had no recollection of his partners asking permission to conduct a strip-search. PO Sanchez did not recall § 87(2)(b) complaining to him about having undergone a strip-search. PO Sanchez did not observe Det. Campbell conduct a strip-search of § 87(2)(b). After a few minutes, PO Sanchez exited the bathroom and went outside, where he saw Det. Campbell and PO Westbrook (BR 08).

Sgt. Fox was not informed of the details of § 87(2)(b)'s arrest, save that he was there for disorderly conduct. § 87(2)(b) was combative and yelling, so it was decided that he would be placed in a single cell. As the officers were placing § 87(2)(b) in the back cell, Sgt. Fox finished his entry in the command log. Afterward, he went to the cell in which § 87(2)(b) was placed and observed the three officers speaking with § 87(2)(b) to get him to calm down, but § 87(2)(b) continued to yell. At one point, § 87(2)(b) stated, “I’m not taking my pants off. You’re not strip-searching me.” Sgt. Fox told § 87(2)(b) that no one was going to strip-search him, and asked him to calm down. While Sgt. Fox observed § 87(2)(b) inside the cell, § 87(2)(b) was fully clothed; however, he did note that § 87(2)(b) seemed to be “pulling on his own shirt” at one point, and he believed that § 87(2)(b) might have pulled his shirt off. Sgt. Fox believed that speaking with § 87(2)(b) only made § 87(2)(b) more agitated, so Sgt. Fox stepped away from the cell’s entrance and moved to where § 87(2)(b) could not see him. The officers continued talking to him and attempted to get him to calm down. PO Sanchez then exited the cell and walked away from the cell area. PO Westbrook and Det. Campbell, who were standing outside the cell, managed to get § 87(2)(b) to calm down, so they shut the cell’s door and left him there. Sgt. Fox then went upstairs to do some paperwork. Sgt. Fox denied that any of the arresting officers asked permission to conduct a strip-search of § 87(2)(b) and he did not authorize a

strip-search. To Sgt. Fox's knowledge, a strip-search of § 87(2)(b) was not conducted. Sgt. Fox stated that there was never any discussion of a strip-search between him, Det. Campbell, PO Westbrook, and PO Sanchez. When it was time to release § 87(2)(b) Sgt. Fox came back downstairs to note his departure in the command log. Before he left, § 87(2)(b) stated, "You didn't need to strip-search me." Sgt. Fox responded, "Sir, you weren't strip-searched. There was no reason to strip-search you." Sgt. Fox estimated that § 87(2)(b) was at the stationhouse for 45 minutes to one hour (BR 15).

The command log entry for § 87(2)(b) does not note that a strip-search was conducted, but it does state that § 87(2)(b) was searched with a metal detector (BR 16).

A strip-search is any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip-search may only be conducted when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods. NYPD Patrol Guide, Section 208-05 (BR 21).

§ 87(2)(g)

**Allegation J – Abuse of Authority: At the 81<sup>st</sup> Precinct stationhouse, Detective Dean Campbell threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that Det. Campbell told him that he would use a Taser against him or put his face in the toilet if he did not listen to his commands after § 87(2)(b) had put on his clothes (BR 04). In § 87(2)(b)'s phone statement, he alleged that Det. Campbell issued the above-mentioned threats prior to the alleged strip-search (BR 19).

Det. Campbell denied that he threatened to use a Taser against § 87(2)(b) or to put his face in a toilet if he did not listen to his commands (BR 06). PO Westbrook, PO Sanchez, and Sgt. Fox all denied that Det. Campbell threatened § 87(2)(b) with the use of a Taser or with any other type of force to get him to comply with his commands (BR 07, 08, 15).

§ 87(2)(g)

§ 87(2)(g)

[illegible]

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Squad Leader: \_\_\_\_\_  
 Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Title/Signature                      Print                      Date